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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,640	07/07/2003	Hidecharu Yoshizawa	F-7882	7632
28107	7590	11/23/2005	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			COLILLA, DANIEL JAMES	
			ART JNIT	PAPER NUMBER
			2854	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/614,640	YOSHIZAWA, HIDEHARU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniel J. Colilla	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005 and 25 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) 5,6 and 8-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 8-19 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: applicant has indicated in his remarks submitted on 4/12/05 that claims 8-19 are directed to a non-elected species, species I.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 20 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters 2, 3, 4 and 5 has been used to designate both dots as shown in Figure 2 and what appear to be sheets in Figures 11, 12 and 13. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

3. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

The substitute specification filed on 7/25/05 is still replete with problems such as the following (this is not meant to be a comprehensive listing, all such problems must be corrected):

On page 8, line 10, "the screen plate printed as a net positive" is unclear.

On page 8, line 12, it is not clear what a "scanner X" is.

On page 9, lines 7-8, the phrase, "then spots 6 that are formed in the shape of an ellipse are used" appears to lack context. Used for what?

On page 9, lines 9-10, "each dot angle in the first phenomenon aspect of the invention which is set up in the first embodiment is also positioned at a second, third and fourth phenomenon parts" is incomprehensible.

On page 10, lines 1-3, the phrase, "also each color's dot angle that prevents to generate the moiré can be set up freely or alternatively" is not clear.

On page 10, lines 11-13, the phrase, "also the frame 10 may be formed in a wooden frame, and the screen 9 may be used silk as the same as usual, nylon, polyester, and stainless steel and the like" is not grammatically correct.

On page 10, lines 14-16, the phrase, "in addition, the screen 9 is determined in consideration of a printing machine, ink, etc., although the screen about four times as the number of lines is used basically" lacks any clear meaning.

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On page 11, lines 6-7, “Furthermore, according to printed matter, the good shape and favorite shape may be used alternatively” lacks any clear meaning.

On page 11, lines 13-14, “without interfering the dot an mismatching the screen angle in dot decomposition, and the high quality product can be obtained” lacks any clear meaning.

On page 12, lines 3-4, the “moreover, the “Dragonfly” which is a mark for arranging direction of a patter with the film 8 as usual is given to arbitrary positions” does not appear to make any sense.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-4, 7 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, it is not clear from the description in the specification what a “dot angle” is or how the “dot angle” relates to the screen angle or to the printing colors as recited in the claims. Note the language “matching a screen angle with each said dot angle” that appears in both claim 1 (similar language appears in claim 7) implies that the screen angle and dot angle are two separate and distinct elements. However, the Examiner could not locate any portion of the specification that clearly sets forth what is meant by the term “dot angle” or how the dot angle relates to the “screen

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angle.” Additionally, a search of the terms “dot angle” and “screen angle” in the prior art would suggest that these terms, in fact, have the same definition.

In view of the above problems, it is the Examiner's position that the disclosure is lacking such that one of ordinary skill in the art could not make and/or use the invention.

Appropriate correction and/or clarification is required.

6. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's use of the new term “dot screen angle” in claim 20 is unclear because the specification only supports two separate terms “dot angle” and “screen angle.” No definition could be found for the term “dot screen angle.”

7. In view of the above lack of support in the specification, as set forth in the above 35 USC 112 rejection, the exact scope of the claims could not be reasonably determined by the Examiner and therefore a thorough search and examination of the claims with respect to the prior art could not be completed at the present time. Examination of the application and application of any relevant prior art will be completed when the application is in proper compliance with 35 USC 112.

***Requirement For Information***

8. Applicant is required to provide information, under 37 CFR 1.105, regarding the differing use of the terms, “dot angle” and “screen angle.” The prior art available to the examiner indicates that these terms are one and the same. A complete examination of this application cannot be preformed without the provision of definitions of these terms, as used by applicant.

***Response to Arguments***

9. Due to applicant’s failure to supply a comprehensible specification, allowing a complete examination of the claims, this action is made final.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Colilla whose telephone number is 571-272-2157. The examiner can normally be reached on M-F 7:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 23, 2005

  
Daniel J. Colilla  
Primary Examiner  
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